

## 7.15 How the Code Napoleon Changed France

**Background:** Napoleon Bonaparte completed the French Civil Code in 1804. Because of this it is often referred to as the Code Napoleon. The Code Napoleon replaced the hundreds of separate legal codes in effect in 1789 before the outbreak of the French Revolution. It is considered a culminating feature of the European Enlightenment and the French Revolution because it defined citizenship, established equality under the law (at least for adult men), and abolished feudalism. Among other things, it established birthright citizenship for children of foreigners born in France. As the following excerpts show, however, it also codified the subservience of women in marriage. Divorce was still allowed (it had been established in 1792), but under conditions that were very unfavorable to wives.

**Source:** [https://www.napoleon-series.org/research/government/c\\_code.html](https://www.napoleon-series.org/research/government/c_code.html)

### Questions

1. According to Code Napoleon who can be a citizen of France and is entitled to civil liberties?
2. In your opinion, do the “Rights and Respective Duties of Husband and Wife” establish equality in their relationship? Explain.
3. In your opinion, should the Code Napoleon be considered a culminating feature of the European Enlightenment and the French Revolution? Explain.

### I. Of the Enjoyment of Civil Rights

Every Frenchman shall enjoy civil rights. Every individual born in France of a foreigner, may, during the year which shall succeed the period of his majority, claim the quality of Frenchman; provided, that if he shall reside in France he declares his intention to fix his domicil in that country, and that in case he shall reside in a foreign country, he give security to become domiciled in France and establish himself there within a year, to be computed from the date of that undertaking. Every child born of a Frenchman in a foreign country is French. Every child born in a foreign country of a Frenchman who shall have lost the quality of a Frenchman, may at any time recover this quality by complying with the formalities prescribed in the ninth article.

### II. The French Civil Code Discussed the Rights of Women (1804)

A. Of the Rights and Respective Duties of Husband and Wife: Husband and wife mutually owe to each other fidelity, succor, and assistance. The husband owes protection to his wife, the wife obedience to her husband. The wife is obliged to live with her husband, and to follow him wherever he may think proper to dwell: the husband is bound to receive her, and to furnish her with everything necessary for the purposes of life, according to his means and condition. The wife can do no act in law without the authority of the husband, even where she shall be a public trader, or not in community, or separate in property.

B. Of Causes of Divorce: The husband may demand divorce for cause of adultery on the part of his wife. The wife may demand divorce for cause of adultery on the part of her husband, where he shall have kept his concubine in their common house.

C. Defined May Give Cause: The provisional administration of the children shall remain with the husband plaintiff or defendant in divorce, unless it shall be otherwise ordered by the tribunal, at the request either of the mother, or of the family, or of the imperial proctor, for the greater benefit of the children.